

AMENDMENTS TO THE DRAWINGS

Cancel Figs. 4A-4G added in the Reply filed December 18, 2007, and
reinstate original Figs. 4A-4G filed with the application.

REMARKS

The Applicants request reconsideration of the rejection.

All rejected claims have been canceled. New claims 35-56 have been added, including independent claim 35.

The new claims are method claims of controlling micro-particles in a micro-particle array analyzing system. Therefore, the new claims are not “methods of chemical analysis” which were restricted in the Restriction Requirement mailed May 1, 2006. As the present claims thus belong to the same invention category as the canceled claims, they are proper for examination in this application.

Figs. 4A-4G provide examples of support for the current claims. Note, in particular, that the method claims provide on/off setting of magnetic members in order of location from downstream of the solution flow. The steps set forth in the method claims are neither disclosed nor suggested by the prior art applied in rejection of the non-canceled claims.

In particular, Forrest et al., U.S. Patent No. 4,141,687 (Forrest) differs from the present claims in that Forrest controls the on/off setting of magnets in order of location from the upstream side of the solution flow. Forrest does not suggest the on/off setting from downstream of the solution flow, or the on/off setting of the magnetic members by a corresponding one of independently-received signals.

Burd Mehta et al., PCT WO/00/50172 (Burd Mehta) also does not disclose the on/off setting of magnetic members in order of location from downstream of the solution flow. Burd Mehta is seen to describe particles that are held in place by the application of magnetic force from outside the channel, but there is no control scheme for magnets such as the on/off setting recited in the present claims.

Further rejections of the now-canceled claims rely on Wang, U.S. Patent No. 5,795,470 (Wang) and Harrison et al., U.S. Patent No. 6,432,290 (Harrison). Neither Wang nor Harrison is cited against the claims' on/off setting of the magnetic members. Furthermore, neither of these documents discloses this feature of the present claims. Accordingly, no combination of Forrest with Burd Mehta, Wang, and/or Harrison render obvious the present claims.

Finally, the Examiner objected again to the drawings added with the Reply filed December 18, 2007. Through an oversight, language deemed new matter was removed in the claims prior to the outstanding Office Action but the drawings themselves were not canceled. Accordingly, by this paper, the Applicants cancel claims Fig. 4A-4G as filed in the Reply of December 18, 2007, and request reinstatement of Figs. 4A-4G as replacement for the now-canceled figures. No admission as to the propriety of the new matter determination should be inferred.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to

the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-4888 (referencing attorney docket no. H&A-126).

Respectfully submitted,

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